

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

Attorneys for Defendant

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File No.: 01181.00141

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAYNE LIBURD,

Case No.:

Plaintiff,

-against-

NOTICE OF REMOVAL

PATTERSON COMPANIES LLC and STEVEN L.
GRIMES,

Defendant.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:**

The Defendant, PATTERSON COMPANIES LLC and STEVEN L. GRIMES (“PATTERSON”), by and through its attorneys, WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP, as and for its notice of removal of this action pursuant to 28 U.S.C. §§1332(a), 1441 and 1446, petitions the Court and respectfully sets forth as follows:

INTRODUCTION

1. This action was commenced on or about December 20, 2021 by the filing of a Summons and Complaint, a copy of which is annexed hereto as Exhibit “A” (“Complaint”).

2. As more fully explained below, this Court has original jurisdiction pursuant to 28 U.S.C. §1332(a), because this is a civil action between citizens of different States with an amount in controversy exceeding \$75,000.00, exclusive of costs and interest.

3. Under 28 U.S.C. §1446(b), this Notice of Removal is timely because it has been filed within thirty (30) days of receipt of information that the case would be removable. Defendant PATTERSON COMPANIES LLC was served with a copy of the Summons and Complaint via its corporate agent on or about February 4, 2022. Defendant STEVEN L. GRIMES was served on March 1, 2022.

4. The Plaintiff claims in his Complaint unspecified money damages for personal injuries allegedly sustained with respect to an accident occurring on November 14, 2019, but demands judgment against the Defendant in an amount in excess of the jurisdictional limits of all of New York's lower courts. (*see*, Exhibit "A"). At the heart of Plaintiff's allegations is that Defendants negligently operated a motor vehicle and that Plaintiff was caused to be injured as a result. (*See*, Exhibit "A").

5. Venue is proper under 28 U.S.C. §§ 1441(a) and 105(a)(1) because the United States District Court for the Southern District of New York is the federal judicial district embracing New York State Supreme Court, County of Bronx, where the State court action was originally filed and was pending.

6. This action is one which may be removed under 28 U.S.C. §1441(b) in that, it is a civil action between citizens of different states, the matter in controversy allegedly exceeds the sum or value of \$75,000.00, exclusive of interest and costs and the removal is timely.

7. Removal of the State Court Action to this Court is proper under 28 U.S.C. §§1332(a), 1441(a) due to the diverse citizenship of the parties and an amount in controversy in excess of \$75,000 exclusive of interests and costs.

DIVERSITY OF CITIZENSHIP

8. Plaintiff is a citizen of the State of New York residing in Bronx County (*see*, Exhibit “A”, at ¶1).

9. Defendant PATTERSON COMPANIES LLC is a foreign corporation with its principal place of business in Mocksville, North Carolina. Defendant STEVEN L. GRIMES is an individual residing and domiciled in Plant City, Florida.

10. Removal of the State Court Action to this Court is proper under 28 U.S.C. §§1332(a), 1441(a) due to the diverse citizenship of the parties and an amount in controversy in excess of \$75,000 exclusive of interests and costs.

THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00
EXCLUSIVE OF COSTS AND INTEREST

11. In accordance with New York law, the Complaint does not set forth the amount in controversy exclusive of interest and costs (*see*, N.Y. C.P.L.R. §3017 (McKinney’s 2006 Supp.); *see also*, Exhibit “A”). Instead, the Complaint alleges that the Plaintiff seeks damages “in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.” (Exhibit “A”).

12. The maximum jurisdictional limit of lower courts having jurisdiction of this matter is twenty-five thousand dollars (\$25,000.00). (*see*, N.Y. Jud. Law §190 (McKinney’s 2005)).

13. Accordingly, Defendant is informed and believes that the amount in controversy exceeds \$75,000.00. Plaintiff’s time to respond to Defendant’s demand to set forth the total damages to which the pleaders deem themselves entitled has not yet expired pursuant to CPLR § 3017.

WHEREFORE, the Defendants PATTERSON COMPANIES LLC and STEVEN L. GRIMES respectfully pray that this action now pending in the Supreme Court of the State of New York, County of Bronx proceed in the United States District Court for the Southern District of New York as an action properly removed thereto, together with such other and further relief as this Court may deem just, proper and equitable.

Dated: White Plains, New York
March 4, 2022

**WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP**

By: 

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